

Appln No. 10/600,782
Amdt date January 19, 2006
Reply to Office action of October 19, 2005

REMARKS/ARGUMENTS

In the Office action dated October 19, 2005, claims 1 - 10 were rejected under 35 U.S.C. § 103. By this Amendment, Applicant has amended claims 4, 6 and 7 to correct typographical errors and other informalities. Reconsideration and reexamination are hereby requested for claims 1 - 10 that are pending in this application.

Information Disclosure Statement Dated March 4, 2005

Applicant submitted an Information Disclosure Statement including the six cited references to the U.S. Patent Office on March 4, 2005. In acknowledging the IDS, the Examiner crossed out one of the listed Other Documents (Website: gator.com (claria.com)) and added a notation stating "no copy and date provided." The subject document was sent to Applicant by the U.S. Patent Office in conjunction with a Protest under 37 C.F.R. § 1.291(a) that was denied by the Office. Accordingly, Applicant is not aware of any date information regarding this document other than that set forth in the document itself and the allegations in the Protest.

Applicant's records indicate that the document was sent with the originally filed IDS. As the Protest document also was submitted with the IDS, Applicant believes it is possible that the document may have been considered as part of the Protest document. For the Examiner's convenience, a duplicate copy of the document is attached to this paper in the Appendix. Applicant requests that to the document be considered by the Office to the extent possible and an initialed copy of the FORM PTO/SB/08A/B be entered in the application file and returned to Applicant with the next communication from the Office.

Response to the 35 U.S.C. § 103 Rejection of the Claims

Claims 1 and 4 - 10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Cohen, U.S. Patent No. 6,862,445, in view of Nagasawa, U.S. Patent No. 6,782,281. Claims 1 and 6 are independent. Claims 4 and 5 depend on claim 1. Claims 7 - 10 depend on claim 6.

Appln No. 10/600,782
Am dt date January 19, 2006
Reply to Office action of October 19, 2005

Dependent claims 2 and 3 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Cohen in view of Nagasawa, and further in view of Shibata et al., U.S. Patent No. 6,888,522.

Applicant respectfully submits that independent claims 1 and 6 are not obvious in view of Cohen and Nagasawa. Claim 1 recites in part: "a first display device disposed on said first side; a second display device disposed on a second side of said housing, said second side being opposite to said first side; . . . and a controller computer programmed to . . . control said second display device to display said advertising information on a screen of said second display device." Similarly, claim 6 recites in part "providing a cellular phone including: . . . a keyboard disposed on a first side of said housing, a first display device disposed on said first side, . . . a second display device disposed on a second side of said housing, said second side being opposite to said first side, . . . and displaying said stored advertising information on a screen of said second display device." Neither Cohen nor Nagasawa teach or suggest that an advertisement may be presented on a second display device (corresponding to the display device on the opposite side of the keyboard).

Nagasawa discloses a portable telephone that includes two displays on opposite sides. A first display 4 is used for playing games. The display 4 is operated by keys (e.g., buttons 5a, 5b, 6 and key 7) located next to the display 4. A second display 8 on an opposite side as the first display is used for making a phone call. The display 8 is operated by keys (e.g., keypad 10 and key 11) that face the same direction as the display 8. See Nagasawa at Figures 1B and 2B and at column 3, line 49 - column 4, line 28. Nagasawa does not teach or suggest that advertising information may be displayed on the first display 4 (on the side of the phone opposite the keypad 10 used for making calls).

Cohen discloses a handset having only one display 208. Cohen teaches that a message is displayed to a user of a handset via the display 208. The statements in Cohen's Abstract make clear that the user is the recipient of the message ("In the case where message output occurs in response to a "send," the user will be listening for the call to be connected and an excellent opportunity is presented for a short advertising message.").

Appln No. 10/600,782

Amdt date January 19, 2006

Reply to Office action of October 19, 2005

One skilled in the art would not have been motivated to adapt the second display of Nagasawa to the method of Cohen as maintained by the Examiner. As discussed above, Cohen teaches that the message is to be directed to the user. Consequently, adapting Nagasawa to present a message on the first display 4 opposite the display used by the user to place a call (the second display 8 of Nagasawa) would result in the message being directed away from, not to, the user. This would be direct contradiction to the explicit teachings of Cohen.

In contrast, the invention of claim 1 or claim 6 enables advertising to be displayed to persons other than the user of the phone. For example, when a user is talking into the opened phone, the second display may be readily seen by others.

Cohen also does not teach or suggest the display of "advertising information on a screen of said second display device during a phone call established through said receiver-transmitter" as claimed. Cohen states that the message is to be played "prior to establishment of a communication link between the handset and a base station." See Cohen's Abstract. Only after the message is played is the call made. See column 5, lines 11 - 15 ("After completion of message playing, the operation which proceeds is the handset's initiation of a wireless network call transmission.").

In view of the above, Applicant submits that independent claims 1 and 6 are not obvious in view of Cohen and Nagasawa. Claims 2 - 5 and 7 - 10 that depend on claim 1 and claim 6, respectively, also are patentable over the cited references for the reasons set forth above. In addition, these dependent claims are patentable over the cited references for the additional limitations that these claims contain. For example, claim 8 recites in part "said advertising information is selected in response to a position of said cellular phone" and claim 9 recites in part "said advertising information is selected in response to current time." There is no teaching or suggestion in the cited references to select advertising information according to position or time as claimed.

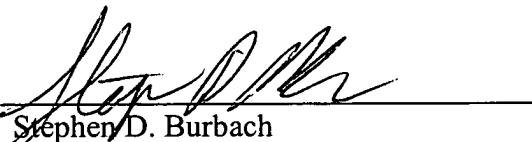
Appln No. 10/600,782
Amdt date January 19, 2006
Reply to Office action of October 19, 2005

CONCLUSION

In view of the above remarks Applicant submits that the claims are patentably distinct over the cited references and that all the objections/rejections to the claims have been overcome. Reconsideration and reexamination of the above application is requested.

Respectfully submitted,
CHRISTIE, PARKER & HALE, LLP

By


Stephen D. Burbach
Reg. No. 40,285
626/795-9900

SDB/vsj
VSJ PAS662726.1-* 01/19/06 11:40 AM